

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 84-28

AN ORDINANCE OF THE CITY OF HOMER AMENDING TITLE  
21, ZONING, OF THE HOMER MUNICIPAL CODE.

WHEREAS, the Homer Advisory Planning Commission has recently considered and approved a number of amendments to Title 21, Zoning, of the Homer Municipal Code; and

WHEREAS, a public hearing on such amendments was held on August 22, 1984 before the Homer Advisory Planning Commission, as required under law; and

WHEREAS, the approved amendments are to be enacted in ordinance form;

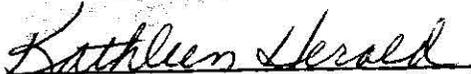
NOW THEREFORE, THE CITY OF HOMER ORDAINS:

**Section 1.** The proposed zoning ordinance amendments, as recommended on August 22, 1984 and September 5, 1984 by the Homer Advisory Planning Commission, as attached hereto and made a part hereof by this reference, are hereby enacted as amendments to Title 21 of the Homer Municipal code (see attachments).

CITY OF HOMER

  
\_\_\_\_\_  
Wayne Kessler, Mayor

ATTEST:

  
Kathleen Herold, City Clerk

First Reading: 9/24/84

Public Hearing: 10/08/84

Second Reading: 10/22/84

Effective Date: 10/23/84

Attorney's Approval:

## DEFINITIONS

1. Add 21.32.072 Building construction. "Building construction" means the placing of construction materials in a permanent position and fastened in a permanent manner.

Effect: This defines a term previously undefined.

2. Add 21.32.382 Personal service. "Personal service" means a business which provides semi-technical, or experienced assistance to the public at the individual level. This definition does not include wholesale or retail activities.

Effect: This defines a term previously undefined.

3. Amend 21.32.530<sup>2</sup> Townhouse. "Townhouse" means single-family dwelling units constructed in a series or group of not less than two units separated from an adjoining unit or units by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line. Each unit and its lot shall be held fee simple, except that the amenities, open area and other associated common property ~~shall~~ may be held as undivided common property of the owners of each unit.

Effect: This allow for duplex style townhouses.

4. Amend 21.32.360 Off-street parking space. "Off-street parking space" means a permanently surfaced area of not less than one hundred eighty square feet (nine feet wide and twenty feet long), which has adequate access to a public street or alley, which permits the satisfactory ingress and egress of an automobile, and which is reserved for the intended use described in Section 7.12.010, paragraph (b).

Effect: This brings the zoning ordinance and off-street parking ordinance into agreement on this definition.

## DISTRICT USES

5. Delete out of Rural Residential - Conditional Uses

21.44.030 g. Multi-family structures containing 3 or more units which exceed the density requirements in Section 21.45.040 a. 2.

Effect: This change would require those developments that propose to exceed the density requirements to apply for a variance to the zoning ordinance. This change strenghtens the maximum 40% lot coverage requirement and open area requirement of 1.1 times the total floor area, because it will not allow for trade-offs for increased density.

6. Delete out of Rural Residential - Conditional Uses

21.44.030 k. Professional Offices

Effect: This will not allow professional offices in the Rural Residential district. The Planning Commission prefers to work on and recommend a PR zone (Professional/Residential) where professional offices will mix with residential uses.

7. Delete out of Urban Residential - Conditional Uses

21.45.030 f. Multi-family structures containing three or more units which exceed the density requirements in Section 21.45.040 a.2.

Effect: Same as #4 except affecting the Urban Residential district.

8. Delete out of Central Business District - Conditional Uses

21.48.030 c. Multi-family dwelling structures

21.48.030 d. Apartment units located in buildings primarily devoted to commercial uses

21.48.030 g. Churches

and add to Permitted Uses

21.48.020 i. Multi-family dwelling structures

21.48.020 t. Apartment units located in buildings primarily devoted to commercial uses

21.48.020 u. Churches

Effect: Allows uses similar to other permitted uses in the Central Business District to be so permitted.

9. Delete out of General Commercial 1 - Conditional Uses

21.49.030 d. Manufacturing of electronic equipment, electrical devices, potter/ceramics, musical instruments, toys, novelties, small molded products and furniture.

and add to Permitted Uses - 21.49.020 (16)

Effect: Permit this use since it is sufficiently similar to other permitted uses.

10. Move 21.49.020 (16) to 21.49.020 (2) t read:

Administration offices, professional offices

Effect: This is a technical/type change. Has no effect on the uses since they are both permitted already.

11. Amend 21.60.010 (4) to read: Signs may be lighted except where specifically prohibited; however, no lighted sign shall cause undue glare beyond the property line so as to create a traffic hazard. ~~No flashing or animated signs shall be permitted~~ signs shall be permitted. Animated signs may be permitted by Conditional Use Permit.

Effect: This change allows for animated signs by Conditional Use Permit.

12. Amend 21.60.010 (6) to read: When a sign legally exists prior to passage of the ordinance codified in this chapter but does not meet the requirements of the ordinance, it shall be considered nonconforming. ~~Such nonconformity shall be terminated no later than one year from effective date of the ordinance codified in this chapter.~~ Nonconforming signs may not be added to or replaced with a nonconforming sign if destroyed or replaced.

13. Amend 21.61.070 g. Minimum lot area for each townhouse unit shall be as follows:

For a two unit townhouse - 4,000 square feet per unit

For a three unit townhouse - 3,000 square feet per unit

For a four or greater unit townhouse - 2,000 square feet per unit

Effect: This change increases the lot area for duplex and tri-plex style townhouses from 2,000 square feet. Justification for this increase is that the original zoning ordinance did not envision duplex style townhouses, only row-type townhouses. Lot acreage for duplex style townhouse was premised on the lot acreage for a duplex in the Urban Residential district (7,500 square feet).

14. Amend 21.64.020 Nonconforming lots. Each lot containing at least 6,000 square feet of record on May 16, 1978, may be developed in conformity with all other provisions of Chapters 21.28 through 21.70 even though such lot fails to meet minimum area or width requirements. No lot of less than 6,000 square feet may be used except in conformity with all provisions of Chapters 21.28 through 21.70. On lots in the Residential districts that fail to meet minimum area or width requirements, one single family dwelling with a proper building permit is permitted.

**ZONING MAP**

15. Rezone three lots located north of Pioneer Avenue and south of the Senior Citizens Center from Urban Residential to Central Business District. (See Exhibit A and B)
16. Rezone properties located north of Kachemak Drive from Rural Residential to General Commercial 2. (See Exhibit C and D)
17. Rezone properties in Tietjen and Utter Acres Subdivisions and airport properties from Rural Residential to General Commercial 2 and General Commercial 2 to Rural Residential. (See Exhibit E and F)



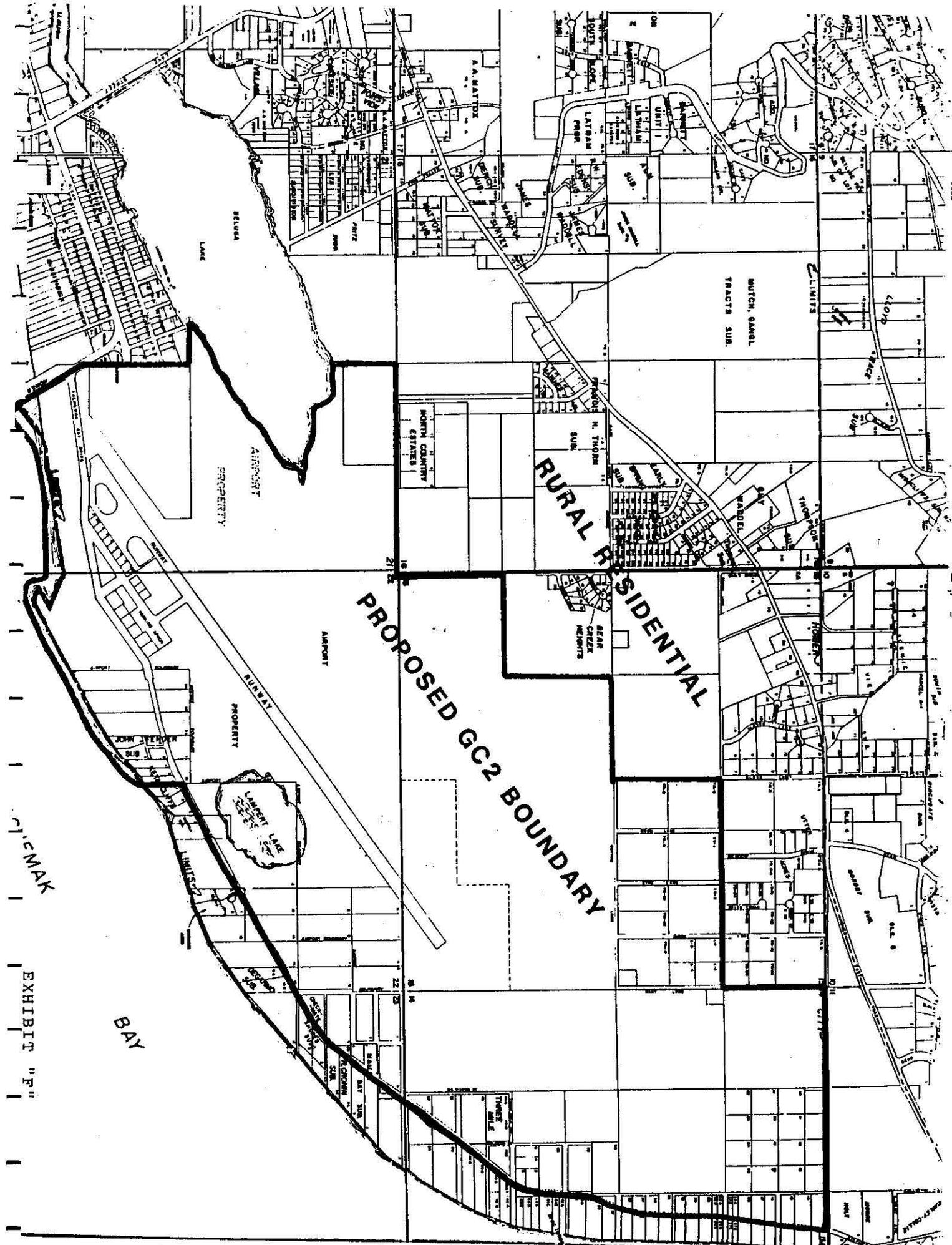
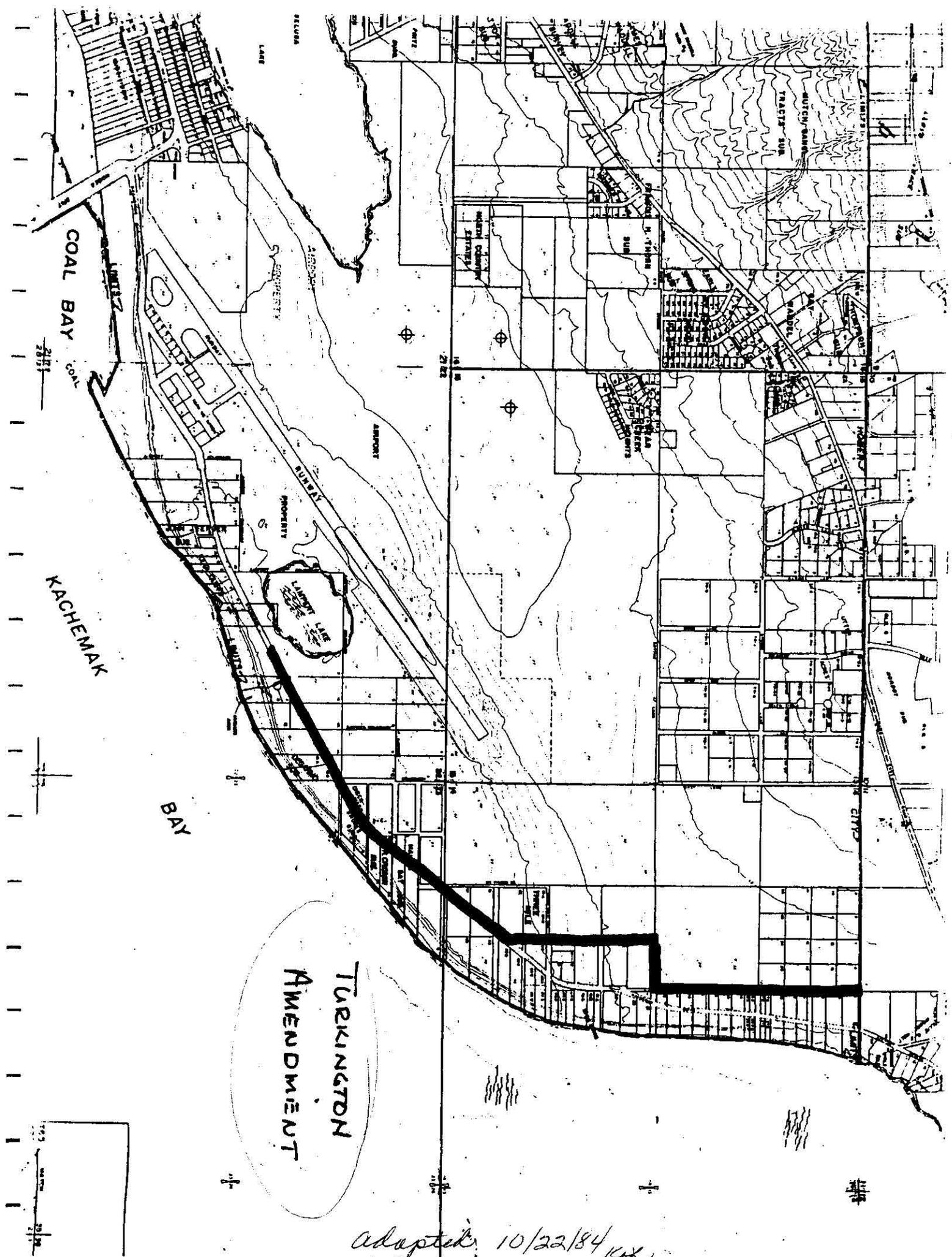


EXHIBIT "F"

adapted 10/22/84



TURKINGTON  
AMENDMENT

adapted: 10/22/84 KAK